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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT SEATTLE

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 v.

9 FELIX LANDAU,

10 Defendant.  
11

Case No. CR08-61 MJP

ORDER GRANTING MOTION  
TO COMPEL

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13 This matter comes before the Court on the Government's motion seeking to compel  
14 production of a handwritten spreadsheet summarizing Mr. Landau's receipts for the year 2001  
15 (also known as the "green sheet"). (Dkt. No. 22.) The Government avers that Mr. Landau  
16 provided Agent Joseph Lopez with the green sheet on March 4, 2003, but that Agent Lopez later  
17 misplaced or destroyed the document. (Mtn. at 2-3; Reply at 2.) After reviewing the motion,  
18 Mr. Landau's response (Dkt. No. 32), the Government's reply (Dkt. No. 36), and all papers  
19 submitted in support thereof, the Court GRANTS the motion and rules as follows:

- 20 (1) The document shall be produced within seven days of the date of this order.
- 21 (2) To preserve Mr. Landau's Fifth Amendment right, his compelled production cannot serve  
22 as an admission of the existence, possession, or authenticity of the green sheet and the  
23 Government must independently authenticate the document. See In re Grand Jury  
24 Subpoena dated April 18, 2003, 383 F.3d 905, 910 (9th Cir. 2004).
- 25 (3) Mr. Landau's request for an evidentiary hearing to determine the basis for Agent Lopez's  
26 ability to authenticate the green sheet is denied; the Government offers sufficient  
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1 description of this evidence in its reply brief and supporting exhibits. (See Reply at 2-3;  
2 Dkt. No. 36-2.)

3 The Clerk is directed to send a copy of this order to all counsel of record and mail a copy  
4 to Petitioner.

5 Dated: October 21, 2008.

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8 Marsha J. Pechman

9 U.S. District Judge  
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